

- Count I (Civil RICO – 18 U.S.C. § 1962(b)) is dismissed without prejudice;
 - Count III (Conspiracy to Engage in Civil RICO – 18 U.S.C. § 1962(d)) is dismissed without prejudice;
 - Count IV (Fraud) is dismissed without prejudice;
 - Count V (Conversion) is dismissed without prejudice as to Plaintiff John M. Shea only; and
 - Count VI (Conspiracy) is dismissed without prejudice.
- Plaintiffs may file an amended complaint to attempt to cure, if possible, the deficiencies explained in the memorandum opinion on or before **January 30, 2017**. Before filing an amended complaint, Plaintiffs should carefully consider whether the contemplated additional allegations would be sufficient to satisfy the pleading requirements under the Federal Rules of Civil Procedure.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.